

Remarks

This communication is considered fully responsive to the second Office Action mailed February 1, 2005 and made Final (hereinafter referred to as the "Final Office Action"). Claims 1-21 were examined. The objection to the specification regarding trademarks was withdrawn. Applicant believes that the objection to claims 1, 5, 17, and 20 are also withdrawn because these objections were not repeated in the Final Office Action. The Section 112 rejection of claims 3 and 12 were withdrawn. Applicant believes that the Section 112 rejection of claim 7 is also withdrawn because it was not repeated in the Final Office Action. Claims 1-21 stand rejected. Reexamination and reconsideration of claims 1-21 are respectfully requested.

Amendments After Final

Claims 1, 5, 8, 13, and 20 are amended. Support for these amendments is provided in the specification, e.g., at p.7, line 29 to p.8, line 12. Applicant respectfully requests entry of these amendments after Final because the amendments put the claims in condition for allowance, or in the alternative, put the claims in better condition for appeal.

Examiner Interview

Applicant appreciates the telephone interview afforded the undersigned attorney, Mark Trenner, on March 14, 2005, with the examiner and her supervisor. During the telephone interview, Mr. Trenner explained that the independent claims (e.g., claim 1) are directed to prioritizing incoming

transactions and that the Nolan reference only discloses indicating a relative priority of a background hot copy process with respect to the data access requests from the client processor. Mr. Trenner also proposed an amendment substantially as shown in the above Listing of Claims.

The examiner said that she understood the distinction Mr. Trenner described, but would need to reconsider the amended claims in view of both the Nolan and Kanada references before she could indicate whether Applicant's claims would be allowable.

Applicant's Arguments

Applicant hereby incorporates by reference all of the arguments previously presented in the Response to the first Office Action, filed on November 3, 2004.

Conclusion

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

Dated: 3-21-05

By: Mark D. Trenner

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